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Chambers of Vincent L. Briccetti

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

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DORIAN BYRD,

Movant,

v.

UNITED STATES OF AMERICA,  
Respondent.

**ORDER TO ANSWER,**  
**22 U.S.C. § 2255**

23 CV 2584 (VB) / 20 CR 517-2 (VB)  
23 CV 2585 (VB) / 21 CR 441-2 (VB)

-----X  
VINCENT L. BRICCETTI, United States District Judge:

The Court, having concluded that the motion brought under 28 U.S.C. § 2255 should not be summarily dismissed as being without merit, hereby ORDERS that:

The Clerk of Court shall electronically notify the Criminal Division of the U.S. Attorney's Office for the Southern District of New York that this order has been issued.

By no later than May 30, 2023, the U.S. Attorney's Office shall file an answer or other pleadings in response to the motion, **but only in response to Movant's assertion that defense counsel did not file a notice of appeal following Movant's request that one be filed.** Movant shall have thirty days from the date on which Movant is served with Respondent's answer to file a response. Absent further order, the motion will be considered fully submitted as of that date.

All further papers filed or submitted for filing must include both the criminal docket number and the civil docket number, and must be docketed in both cases.

Dated: March 30, 2023  
White Plains, NY

SO ORDERED:



Vincent L. Briccetti  
United States District Judge